

In The State of South Carolina Court of Appeals

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Appeal from GREENVILLE COUNTY Court of Common Pleas

NOV 27 2023

SC Court of Appeals

Charles B. Simmons Jr
C.A. No.: 2020-CP-23-00939
Appellate Case No, 2020-001699

Kenneth Curtis.....Respondent
v.
Cynthia Glenn..... Appellant.

Return to Respondent's Motion to Dismiss

This is Appellant's Return to Respondent's second Motion to Dismiss, both of which are filed outside of deadlines without proper cause. The Motion for Dismissal does not have a justified cause and only brings new arguments in the appeal that were not previously part of the court cases.

Respondent Curtis was the Plaintiff in both the Magistrate Court and again in the duplicate claims made in the Court of Common Pleas. Appellant Glenn was the Defendant in both courts. Curtis argues that the Magistrate Court judge did not fill out a SCCA/681 and that he was deprived of rights, but this is a new defense not used in either of the court cases and can not be raised during the appeal process.

Additionally, Curtis was the Plaintiff who sued this Appellant. Under those circumstances form SCCA/681 would not be appropriate or applicable. SCCA/681 applies to gravesites that existed prior to South Carolina Cemetery Act of 1984 and does not apply to private unlicensed individuals who continue to sell and intern bodies without licensure such as occurred in this

case. SCCA/681 would also not apply to an owner wishing to withdraw all previously granted access/agreements to a cemetery without cause; as was the case in this incident.

If Mr. Curtis did not believe that this case was appropriate for Magistrate Court, why then did he file suit in Magistrate Court? Clearly, Mr. Curtis is trying to confuse the facts to distort his position and remove my legal right to an appeal.

The appeal has been filed timely and Appellant has followed Rules and corrected any deficiencies as they occurred.

Whereas; Respondent is trying to present new arguments not addressed in the lower court, is distorting facts and whereas the appellant has filed a timely appeal according to rules; Appellant's lawful appeal should move forward.

Cynthia Glenn, Date: 11/24/23

Autograph of Cynthia Glenn, Su Juris
Post Office Box 87
Gray Court, South Carolina [29645]
(864) 350-2830
APPELLANT

BRIEF OF APPELLANT THE STATE OF South Carolina
In The court of appeals
APPEAL FROM GREENVILLE COUNTY Court of Common Pleas

Charles B. Simmons Jr
C.A. No.: 2020-CP-23-00939
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Kenneth Curtis, Respondent.
V.
Cynthia J. Glenn, Appellant,

PROOF OF SERVICE

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I certify that I have served **Return to Respondent's Motion to Dismiss and Return to Respondent's 2nd Motion to File Outside of Deadlines** by depositing a copy in the United States Post Office, postage prepaid, on 11/24/23 to Kenneth Curtis 113 Edwards Rd. Marietta South Carolina [29661].

Cynthia Glenn, Date: 11/24/23

Autograph of Cynthia Glenn, Su Juris
Post Office Box 87
Gray Court, South Carolina [29645]
(864) 350-2830
APPELLANT

In Care of
Cynthia Henn
Post Office Box 87
8 Gray Court, South Carolina

[29645-087]

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SC Court of Appeals

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Columbia, South Carolina

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